

# EXHIBIT F

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WAYNE VAN SCOY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	05-108 (KAJ)
VAN SCOY DIAMOND MINE OF	)	
DELAWARE, INC., KURT VAN SCOY	)	
and DONNA VAN SCOY,	)	
	)	
Defendants.	)	

Video deposition of KURT VAN SCOY taken pursuant to notice at the offices of Ashby & Geddes, 17th Floor, 222 Delaware Avenue, Wilmington, Delaware, beginning at 10:00 a.m. on Tuesday, July 26, 2005, before Anne L. Adams, Registered Professional Reporter and Notary Public.

APPEARANCES:

MICHAEL F. PETOCK, ESQ.  
MICHAEL C. PETOCK, ESQ.  
PETOCK & PETOCK  
46 The Commons at Valley Forge  
1220 Valley Forge Road  
Valley Forge, Pennsylvania 19482-0856  
for the Plaintiff,

CHARLES N. QUINN, ESQ.  
FOX ROTHSCHILD  
2000 Market Street, 10th Floor  
Philadelphia, Pennsylvania 19103-3291  
for the Defendants.

ALSO PRESENT: Wayne Van Scoy  
Donna Van Scoy  
Lisa Bauer - Video Specialist

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1 A. I can't answer that.

2 Q. 2000, 2001?

3 A. I don't know.

4 Q. Have you done more or less advertising this year  
5 than last year?

6 A. To be honest, I don't know that. I don't know  
7 that.

8 Q. Last year you spent 52,270 on advertising. And  
9 you are not sure how much you spent this year?

10 A. I really don't know.

11 Q. So far, obviously.

12 A. Right.

13 Q. If you are forced to stop using the mark now, do  
14 you think you will be prejudiced in any way?

15 A. I don't understand that.

16 Q. Do you think that, if you were forced to stop  
17 using the mark right now, you would be placed in a  
18 position that you think is somehow unfair?

19 A. Yes.

20 Q. Could you tell me why?

21 A. My father gave me the name.

22 Q. Is that the only reason why you think you would  
23 be prejudiced if you were forced to stop using the mark  
24 now?



1 A. My father gave me the name and he gave me the  
2 sign for the store.

3 Q. Is that the only reason why you think you would  
4 be prejudiced?

5 A. Yes.

6 MR. F. PETOCK: Could you speak up a little  
7 bit?

8 THE WITNESS: Yes. My father gave me the  
9 name and he gave me the sign. And, yes, that's the  
10 reason why, yes, absolutely.

11 MR. F. PETOCK: Thank you.

12 THE WITNESS: Sure.

13 BY MR. PETOCK:

14 Q. Do you think there is a likelihood of confusion  
15 between your store and Wayne's store?

16 A. I don't understand that.

17 Q. Would the average member of the public think that  
18 there is some sort of connection between the goods and  
19 services that you to offer and the goods and services  
20 that Wayne's store offers under the mark Van Scoy Diamond  
21 Mine?

22 A. I don't know that. I can't answer for a  
23 customer.

24 Q. Have you ever experienced a customer being

